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**PENALTY DISPUTES
U. S. DOE - FERNALD
OH6 890 008 976**

02/06/91

**USEPA/DOE-FSO
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LETTER**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

2396

FEB 06 1991

Mr. Jack R. Craig
United States Department of Energy
Feed Materials Production Center
P.O. Box 398705
Cincinnati, Ohio 45239-8705

REPLY TO ATTENTION OF: 5HR-12

RE: Penalty Disputes
U.S. DOE - Fernald
OH6 890 008 976

Dear Mr. Craig:

The United States Environmental Protection Agency (U.S. EPA) acknowledges the receipt of the United States Department of Energy's (U.S. DOE) January 25, 1991, letter to the Senior Executive Committee for the consolidation of U.S. DOE's three disputes regarding U.S. EPA's assessment of stipulated penalties for the following violations of the 1990 Consent Agreement: #997

- Operable Unit #5 - failure to use access authorities
- Operable Unit #4 - inadequate Remedial Investigation
- Operable Unit #3 - inadequate Initial Screening of Alternatives

Since the application of stipulated penalties is the focus of U.S. DOE's dispute, U.S. EPA agrees with the consolidation of these three disputes. The schedule for the first dispute (failure to exercise access authorities) must be followed for the stipulated penalties dispute.

Please contact me at (312/FTS) 886-4436, if you have any questions.

Sincerely,

Catherine A. McCord
Remedial Project Manager

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cc: Director, OEPA
Graham Mitchell, OEPA-SWDO
Leo Duffy, U.S. DOE - HDQ
Joe LaGrone, U.S. DOE - ORO

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